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Security Council

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Report of the Secretary-General on Ethiopia and Eritrea

I. Introduction

1. The present report is submitted pursuant to paragraph 12 of Security Council resolution 1320 (2000) of 15 September 2000 and provides an update on the peace process since my report of 30 April 2007 (S/2007/250). The report also describes the activities of the United Nations Mission in Ethiopia and Eritrea (UNMEE), the current mandate of which expires on 31 July 2007.

II. Status of the Temporary Security Zone and adjacent areas and cooperation with the parties

2. The military situation in the Temporary Security Zone and the adjacent areas has remained tense and potentially unstable during the reporting period. Eritrea has continued the induction of forces into the Zone in Sector West, where, according to very approximate estimates by UNMEE, at least 400 additional troops were deployed over the reporting period. In addition to troop rotations in Sector Centre, as well as in Subsector East, Eritrean Defence Forces (EDF) were observed actively constructing new defences in the Zone, including in close proximity to Badme and other areas. UNMEE also observed that, through rotations, the militia manning the posts in the Zone were increasingly being replaced by regular EDF troops, in direct violation of the Protocol Agreement and the Agreement on Cessation of Hostilities of 18 June 2000.

3. Due to the severe restrictions imposed on the Mission's freedom of movement in the Temporary Security Zone, it has been difficult to ascertain the exact number of EDF soldiers currently inside the Zone. However, the Mission's assessment is that the Eritrean Defence Forces has effectively occupied large swathes of the Zone with military personnel numbering in the thousands. For instance, early in July, UNMEE monitored up to 1,000 Eritrean military personnel with personal weapons, including rocket-grenade launchers, moving within the Temporary Security Zone in Sector Centre. The Mission further observed the resettlement of approximately 8,400 internally displaced persons inside the Zone in Sector West. Some of those persons are reported to be armed.

4. At the same time, UNMEE is facing an increasingly negative attitude on the part of military commanders inside the Temporary Security Zone, particularly following the address to the nation by the President of Eritrea on the occasion of the

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country's Independence Day on 24 May, in which he said that the Temporary Security Zone had been rendered obsolete and meaningless and that it was Eritrea's sovereign and legal right to undertake development projects therein, without seeking permission from anyone. He further stated that the Eritrea Defence Forces had the obligation and right to conduct development programmes within and ensure protection of the Temporary Security Zone. Since then, many EDF commanders, when encountering UNMEE personnel, have openly questioned the validity of the Temporary Security Zone and admitted the presence of Eritrean Defence Forces therein.

5. During the same period, Ethiopian forces were observed carrying out large-scale training and preparing defences, including around the highly sensitive area of Badme. In June, the Ethiopian forces conducted training that included the live firing of small arms and heavy weapons and the tactical movement of tanks and armoured personnel carriers in the areas adjacent to Sector West.

6. In May and June, the Ethiopian forces withdrew some of their front-line troops along the border, in the area of Bure, in Subsector East. During the reporting period, the 12 tanks and 17 artillery guns that were observed in that area in February remained in their locations in the adjacent area, near the southern boundary of the Temporary Security Zone.

7. During May and June, UNMEE investigated four reports by the Ethiopian authorities concerning alleged cross-border firings and raids by Eritrean elements in the village of Dima near Humera in Sector West and near Italian Fort and Zelambesa in Sector Centre. The Mission could not independently verify those reports. In addition, UNMEE has defused tense situations along the border. On 19 May, the Mission prevented a potential incident in which Ethiopian soldiers threatened to open fire on an Eritrean militia carrying out reconnaissance on the Humera bridge. The Mission has also continued to assist with investigations into potentially dangerous incidents of cattle-rustling and with the repatriation of persons who inadvertently crossed the border.

8. Despite the current restrictions on the freedom of movement imposed on UNMEE (see paras. 10-16 below), the presence of UNMEE permanent and semi-permanent posts at sensitive locations in and outside the Temporary Security Zone has acquired increased importance in maintaining stability. Those posts provide the Mission with valuable information pertaining to military preparations and also serve to deter potential hostile acts by either side.

9. Altogether, over the reporting period, the two parties have been concentrating their forces along the border areas. Eritrea is infiltrating its troops and other armed elements into the Temporary Security Zone in an effort to expand its control. Ethiopia has deployed more troops in close proximity to the southern boundary of the Zone, although most of those forces remain outside the areas adjacent to the Zone. Those deployments have contributed to increasing tension between the two parties. Despite repeated assertions by the leaders of Ethiopia and Eritrea that war is not imminent, the present situation is a source of serious concern. In his 28 June 2007 statement to the Parliament, the Prime Minister of Ethiopia said that his Government was building the capacity of the Defence Forces to reverse any aggression that might be attempted by Eritrea. As the parties continue military preparations, there is a serious risk that a relatively minor incident could lead to a military confrontation.

III. Restrictions on freedom of movement

10. In view of the severe restrictions imposed by Eritrea on the Mission's operations, as mentioned in paragraph 3 above, the ability of the Mission to effectively monitor the Temporary Security Zone and the adjacent areas has been seriously undermined, particularly in Sector West. During the reporting period, Eritrea has enforced 45 permanent (longer than six months) restrictions on the Mission's freedom of movement. For instance, it has restricted the Mission's patrols to the main supply routes within the Zone in Sectors West and Centre, and it closed the strategically important bridge between Om Hajer in Eritrea and Humera in Ethiopia, in Sector West, in October 2006. In the meantime, Ethiopia maintains restrictions on patrols in Humera in Sector West, Rama in Sector Centre and Bure in Subsector East, and it also had repeatedly restricted the Mission's demining operations between February 2006 and June 2007.

11. As mentioned above, the Mission's static checkpoints, however, are still able to monitor considerable movements of troops and heavy equipment into and out of the Temporary Security Zone, in particular in Sector Centre and Subsector East. The very difficult nature of the terrain in the two sectors, which bars major movements away from the main roads and the strategically situated static checkpoints, facilitates that monitoring activity.

12. Since my last report, Eritrea has imposed further restrictions on the Mission's freedom of movement. Beginning in May, it introduced a further ban on the Mission's freedom of movement on the Barentu-Tesseney-Om Hajer road in Sector West, which had been intermittently closed. As from 18 June, the road was closed again, which resulted in the complete isolation of the United Nations military observer team site at Om Hajer, causing major operational, administrative and safety difficulties with accessing the site. The authorities also closed the Barentu-Tokombia-Shilalo road from 5 April to 15 June, but reopened it following repeated protests by UNMEE. During the closure, the Mission was forced to use the Barentu-Shambiko-Shilalo road, which is impassable during the rainy season, from July to September, and unsafe because of the threat of mines. In addition, on 6 May local militia threatened to shoot UNMEE sentries manning entry and exit barriers at Kerkesha in Sector West, if they did not keep the barriers open for the passage of armed elements.

13. Severe new restrictions were also imposed in Sector Centre, where local commanders have repeatedly warned UNMEE personnel to avoid moving away from the main roads. On 18 May 2007, the local police detained an UNMEE patrol near Mendefera in the Temporary Security Zone for eight hours. In other incidents, on 26 April and 5 May, Eritrean Defence Forces personnel stopped UNMEE patrols from carrying out their tasks by firing warning shots in the air, while on 3 June a militia commander stopped another patrol at gunpoint. In June, new restrictions were introduced in the Zone in Subsector East. The Mission repeatedly protested the restrictions to the Eritrean authorities, to no avail. During a meeting on 5 June, the Eritrean Commissioner informed UNMEE representatives that the Mission must respect the imposed regulations, since local commanders viewed its activities with considerable apprehension and were determined to ensure that the restrictions were complied with.

14. In what seems to be a further tightening of restrictions imposed on UNMEE, a senior official from the Department for Peacekeeping Operations who was visiting the region in May was denied an Eritrean visa on grounds of his nationality. On 25 June, the administrator of Adi Quala in Sector Centre demanded that UNMEE pay for the usage of a water well that the Mission had drilled in 2004, or that it provide a written guarantee that all assets at the well, including the generator, would be handed over to the municipality of Adi Quala once the Mission had been terminated.

15. Ethiopia, for its part, imposed some restrictions on the freedom of movement of the Mission's military observers in the Humera area, in Sector West, and maintained the restrictions it had imposed earlier in the Rama area, in Sector Centre, and Bure, in Subsector East.

16. Admittedly, the difficulties that UNMEE is experiencing in monitoring the movement of troops and equipment in the Temporary Security Zone, in particular in Sector West and Subsector East, as well as the adjacent areas, have created a serious gap in the Mission's information on the current situation. To bridge that gap, I appeal to those Member States that possess relevant capacity to share with the United Nations information about the implementation of the Agreement on Cessation of Hostilities by the parties.

IV. Military Coordination Commission

17. Since the 37th meeting of the Military Coordination Commission, held on 31 July 2006, UNMEE has not succeeded in convening any further Commission meetings between Ethiopia and Eritrea. The planned 38th meeting of the Commission was cancelled after Ethiopia requested a change of date. Subsequently, Ethiopia expressed reservations about holding Commission meetings because of the introduction of the Eritrean Defence Forces into the Temporary Security Zone. Since then, Ethiopia has maintained that it will participate in the meetings of the Commission following the withdrawal by Eritrea of its troops and heavy military equipment from the Zone. Notwithstanding the present difficulties, UNMEE is making every effort to encourage the resumption of the Commission's work. On 21 June, UNMEE sent further letters of invitation to the two parties proposing that a meeting of the Commission be held in the first half of July 2007. On 26 June, the Eritrean Commissioner confirmed that his Government had no difficulty in attending the meeting provided that Ethiopia also agreed to do so. Ethiopia has not yet responded to that invitation.

V. Implementation of Security Council resolution 1741 (2007)

Reconfiguration of the military component of the United Nations Mission in Ethiopia and Eritrea

18. By the end of April 2007, UNMEE had completed the downsizing of its military component from 2,300 to 1,700 military personnel, including 230 military observers, in accordance with paragraph 2 of Security Council resolution 1741 (2007). The Mission maintains 22 static points, including 9 in Sector West, 10 in Sector Centre and 3 in Subsector East. On the average, UNMEE conducts

approximately 580 patrols per week, or more than 80 patrols per day, by both military contingents and observers.

Cooperation of the parties in the implementation of Security Council resolution 1741 (2007)

19. Early in June 2007, the Under-Secretary-General for Political Affairs visited Eritrea and Ethiopia, where, during discussions on Somalia, he informed the leadership of the two countries about my desire for continued dialogue on the stalled Eritrea-Ethiopia peace process.

20. On 14 June 2007, I addressed letters to the President of Eritrea and the Prime Minister of Ethiopia on the occasion of the seventh anniversary of the Algiers Agreement on Cessation of Hostilities of 18 June 2000. In those letters, I raised a number of issues that should be resolved, in order to move the demarcation process forward. I assured the two leaders of my determination to pursue consultations with both countries in an effort to resolve the outstanding issues in the peace process. In his response of 25 June 2007, the Ethiopian Prime Minister stated that he was committed to cooperating with the United Nations and assured me of his support. He underlined, however, that demarcation would be inconceivable until Eritrea had fully complied with the Agreement on Cessation of Hostilities, including the restoration of the integrity of the Temporary Security Zone.

21. I regret to report that the demand of the Security Council that Eritrea immediately withdraw troops and equipment from the Temporary Security Zone, as requested in paragraph 4 of Security Council resolution 1741 (2007), has not been implemented. Neither the restrictions on the Mission's movement nor those on its operations have been reversed, as demanded by the Council in the resolution.

22. With regard to the demand of the Security Council that Ethiopia accept fully and without delay the final and binding decision of the Eritrea-Ethiopia Boundary Commission, and take immediate steps to enable the Commission to demarcate the boundary, I take note of the letter dated 8 June 2007 from the Minister for Foreign Affairs of Ethiopia to the President of the Security Council, reiterating that his Government had accepted the delimitation decision of the Eritrea-Ethiopia Boundary Commission without preconditions. At the same time, I note Eritrea's expression of readiness to cooperate with the United Nations in order to implement the Commission's decision, as stated by the Eritrean President on 9 June 2007 during his meeting in Asmara with the Under-Secretary-General for Political Affairs. Those statements now have to be implemented in practice.

23. I also urge the parties fully to comply with the call by the Security Council to show maximum restraint and to refrain from any threat or use of force against each other, and to put an end to the exchange of hostile statements.

VI. Eritrea-Ethiopia Boundary Commission

24. I regret to report that the parties have made no progress towards the implementation of the delimitation decision announced by the Eritrea-Ethiopia Boundary Commission on 13 April 2002. I would also like to draw the parties' attention to the Commission's decision to convene a meeting with them on

6 September. A detailed account of the work of the Commission is contained in annex II to the present report.

VII. Mine action

25. Landmines and unexploded ordnance continue to present a major threat to the people who live and work in the Temporary Security Zone and the adjacent areas, hindering their return to normal life. The Mission's Mine Action Coordination Centre continues to provide support to UNMEE as well as to carry out humanitarian demining operations. During the reporting period, teams contracted by the Centre cleared a total area of 384,130 square metres and more than 392 kilometres of road, besides verifying an additional 794 kilometres of road. The Centre also carried out the disposal of explosive ordnance and undertook mine-risk education. It conducted an investigation into two incidents involving unexploded ordnance that occurred in May and June, in Sector Centre, in which two children were injured.

26. The current efforts by the Mine Action Coordination Centre are, however, hampered by restrictions on freedom of movement and on the supply of fuel, which impede its ability to provide an adequate response to incidents involving mines and unexploded ordnance within the Temporary Security Zone and the adjacent areas.

VIII. Human rights

27. UNMEE continued to monitor the human rights situation, with emphasis on the condition of the most vulnerable groups. It continued to assist the two parties in the repatriation of nationals to their countries of origin, under the auspices of the International Committee of the Red Cross.

28. During the reporting period, UNMEE observed an increase in the number of illegal cross-border incidents, particularly incidents involving minors. Most of the nearly 14,500 Eritrean refugees living in the Shimelba camp in Ethiopia continued to express concern over the slow pace at which the third-country resettlement programme is proceeding.

IX. Humanitarian developments

29. By mid-June 2007, the Government of Eritrea, with the support of partners led by the United Nations, had resettled most of the internally displaced persons from the Zoba Debub area to their places of origin.

30. My Special Humanitarian Envoy for the Horn of Africa undertook a follow-up visit to Eritrea from 20 to 23 June to discuss with the Government issues related to food security, in preparation for the Multi-Country Consultation on Food Security in the Horn of Africa, held in Nairobi at the end of June.

31. In Ethiopia, security is a major challenge for the provision of humanitarian assistance in the Gambella and Somali regions, especially within the Kohare and Degehabur zones. There are also reports of deteriorating food security situations in the Afar, Oromiya and Somali regions of Ethiopia, while the food situation in the

remainder of the country is stable. Afar is currently considered an area of concern because the rainy season failed to meet expectations.

32. During the reporting period, the humanitarian situation in the Gambella region has further deteriorated following the resettlement of some 25,000 individuals of the Jikany Nuer population, from southern Ethiopia in Itang, back to their places of origin in Tiergol, Akobo and other areas west of the Gambella region. The United Nations country team is also concerned about the protection of the affected population, particularly those moving from Itang, as well as those moving to the Sudan.

X. Conduct and discipline

33. During the reporting period, the recruitment of a Chief of the UNMEE Conduct and Discipline Unit has been completed. The Mission continues to maintain the zero-tolerance policy on matters of serious misconduct, especially sexual exploitation and abuse by peacekeepers. The Mission is in the process of designing an effective prevention and enforcement strategy on issues of conduct and discipline. Since my last report, there has been one case of serious misconduct, which is currently under investigation.

XI. HIV/AIDS

34. The UNMEE HIV/AIDS unit continued to offer induction training to incoming military and civilian personnel. It also conducted awareness sessions for contingent members. Voluntary counselling and testing services for Mission personnel are provided by the unit and within the Mission's contingents. The mainstreaming of HIV activities into the Mission's mandate has led to growing collaboration with the Public Information Office through its publications and radio programmes, as well as with the Human Rights Office through participation in human rights lecture series in Mekelle, Ethiopia. The unit also collaborates with the other United Nations agencies in Eritrea.

XII. Administration and support

35. The provision of support to the Mission in Eritrea is hampered by the continued restrictions on helicopter flights imposed by the Eritrean authorities, freedom of movement restrictions, the exclusion from service of staff of certain nationalities in Eritrea, restrictions on the supply of diesel fuel to UNMEE, a ban on the import of poultry, restrictions on hiring local staff and the detention of some local personnel of the Mission. At the same time, Ethiopia maintains a number of restrictions on the Mission's freedom of movement, as described in paragraph 15 above. All of those restrictions have resulted in major operational and logistical difficulties for the Mission.

XIII. Financial implications

36. The General Assembly, by its resolution 61/248 B of 29 June 2007, appropriated the amount of $113.5 million for the maintenance of UNMEE for the period from 1 July 2007 to 30 June 2008. Therefore, should the Security Council approve my recommendation set out in paragraph 45 below with respect to the extension of the mandate of UNMEE, the cost for the maintenance of the Mission during the extension period will be limited to resources approved by the General Assembly.

37. As at 31 March 2007, unpaid assessed contributions to the Special Account for UNMEE amounted to $47.6 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to $1,675.2 million.

38. Reimbursement of troop and contingent-owned equipment costs have been made for the period up to May 2007 and December 2006, respectively, in accordance with the quarterly payment schedule.

XIV. Observations

39. The two Algiers Agreements, a Cessation of Hostilities Agreement and the Peace Agreement that followed, concluded seven years ago, put an end to years of devastating war and established conditions for the normalization of relations between Eritrea and Ethiopia. They helped lay the foundation for peace between the two countries. The Agreement on Cessation of Hostilities provided for the establishment of the Temporary Security Zone, which allowed the separation of forces and has contributed to the prevention of hostilities. The Agreement on Cessation of Hostilities also renounced the use of force to settle disputes between the parties while creating the conditions necessary for the resolution of the dispute itself. The Peace Agreement that followed addressed the primary cause of the dispute, namely the boundary between Ethiopia and Eritrea. That Agreement provided for the final and binding delimitation and demarcation of the boundary by the Eritrea-Ethiopia Boundary Commission.

40. In the light of the current tense situation prevailing between the two countries, the implementation of the Agreement on Cessation of Hostilities has become even more important. It is essential that both Governments maintain their full commitment to it, including the need to respect the ceasefire and the integrity of the Temporary Security Zone, and refrain from any action that could undermine it or lead to an escalation of tensions between the two countries.

41. I am deeply concerned by the continuing serious violations of the Temporary Security Zone. I urge Eritrea to withdraw its troops and heavy military equipment from the Temporary Security Zone, in order to restore the integrity of the Zone, in compliance with the Algiers Agreements. I also call on Eritrea immediately to lift all the restrictions it has imposed on UNMEE, which was deployed at the request of both countries. Those restrictions have seriously impaired the Mission's ability to implement its monitoring mandate. At the same time, I call on Ethiopia to also take steps to de-escalate the situation by reducing the number of the additional military forces that it has recently introduced in the areas adjacent to the Temporary Security Zone.

42. I am equally deeply concerned by the continued stalemate in the boundary demarcation process. The United Nations remains firmly committed to the full and unconditional implementation of the delimitation decision of 13 April 2002 of the Eritrea-Ethiopia Boundary Commission, as called for by the Security Council in numerous resolutions. I strongly urge both countries to take advantage of the Commission's advice and assistance before it takes action to conclude its work at the end of November.

43. I call on both parties to follow scrupulously the letter and spirit of the Algiers Agreements and to support any initiative that could contribute to the normalization of relations and the restoration of bilateral engagement. I appeal to the leadership of both countries to immediately put an end to the exchange of hostile statements and encourage them and their partners to begin developing confidence-building measures and cooperation in various areas of common interest, such as facilitating access of affected populations to humanitarian assistance; demining; or any other activities that could contribute to lessening the tension and building understanding. It would also be essential to support any other forms of interaction that could contribute to improving relations between the two countries, including regional initiatives.

44. In this regard, it is vitally important and urgent to reactivate the work of the Military Coordination Commission, which remains a unique forum for the discussion of pressing military and security issues.

45. I intend to continue to do everything possible to engage the two countries towards the implementation of the Algiers Agreements, with a view to urgently resolving the stalemate and moving the demarcation process forward. I call on both parties to demonstrate the necessary political will, but I am also obliged to remind them that, ultimately, they bear the primary responsibility for a successful resolution of their border dispute and the establishment of lasting peace between themselves.

46. Despite considerable difficulties in the implementation of its monitoring mandate, UNMEE continues to play an important deterrent role. The presence of the Mission also serves as a demonstration of the international community's commitment to the resolution of this dispute through peaceful means. In view of the role this peacekeeping operation is playing in the maintenance of the ceasefire and the overall stability in the region, I recommend an extension of the Mission's mandate for an additional six months, until 31 January 2008.

47. In conclusion, I wish to express gratitude to all civilian and military personnel of the Mission for their continued commitment, hard work and perseverance in an increasingly dangerous and stressful working environment. I further pay tribute to all the partners of the Mission, including the United Nations country team, humanitarian agencies, Member States, Witnesses to the Algiers Agreements, the Group of Friends of UNMEE, the African Union and other international and regional organizations, for the support they continue to lend to the peace process. I also pay special tribute to the troop-contributing countries for their unwavering support for this important operation.

Annex I

United Nations Mission in Ethiopia and Eritrea: military contributions as at 1 July 2007

Country	*Military observers*	*Troops*	*Staff*	*Total*	*National support elements*
Algeria	8			8	
Austria	2			2	
Bangladesh	8		5	13	
Bolivia	5			5	
Bosnia and Herzegovina	5			5	
Brazil	7			7	
Bulgaria	4			4	
China	7			7	
Croatia	4			4	
Czech Republic	2			2	
Denmark	3			3	
Finland	5			5	
France	1			1	
Gambia	4		1	5	
Germany	2			2	
Ghana	12		4	16	
Greece	3			3	
Guatemala	5			5	
India	8	701	14	723	
Iran (Islamic Republic of)	3			3	
Jordan	8	560	11	579	
Kenya	10	113	4	127	
Kyrgyzstan	4			4	
Malaysia	7		3	10	
Mongolia	4			4	
Namibia	4		3	7	
Nepal	5			5	
Nigeria	7		2	9	
Norway	3			3	
Pakistan	5			5	
Paraguay	4			4	
Peru	4			4	
Poland	3			3	
Romania	5			5	
Russian Federation	4			4	

Country	*Military observers*	*Troops*	*Staff*	*Total*	*National support elements*
South Africa	3			3	
Spain	3			3	
Sweden	2			2	
Switzerland	1			1	
Tunisia	4		2	6	
Ukraine	3			3	
United Republic of Tanzania	8		2	10	
United States of America	5			5	
Uruguay	5	33	4	42	
Zambia	10		3	13	
Total	**219**	**1 407**	**58**	**1 684**	

Annex II

Twenty-fourth report on the work of the Eritrea-Ethiopia Boundary Commission

1. This is the twenty-fourth report of the Eritrea-Ethiopia Boundary Commission, covering the period from 1 April to 9 July 2007. The previous report covered the period from 21 December 2006 to 31 March 2007.

2. In its previous report dated 30 April 2007 (S/2007/250), the Commission noted that the Parties had not yet proceeded as contemplated in paragraph 22 of the Commission's Statement of 27 November 2006 and that, in particular, they had not by themselves reached the necessary agreement on the emplacement of pillars, nor had they proceeded significantly to implement the Statement or enabled the Commission to resume its activity. The Commission also reiterated its firm commitment, expressed in paragraph 28 of the Statement, that during the 12 months from the issuance of the Statement it will remain willing to provide assistance if the Parties jointly so request and provide assurances of cooperation and security.

3. On 18 April 2007 the Commission sought from the Parties an indication of the progress they had made towards the conclusion of the necessary arrangements either for pillar emplacement by themselves or for requesting the Commission to resume its activity in the manner set out in the Statement.

4. In its reply of 17 May 2007, Eritrea stated that it "stands ready to resume the demarcation of the 13 April 2002 delimitation line as soon as circumstances permit" and stressed its support for the Commission's efforts to identify boundary pillar locations. Eritrea's letter further stated that "the necessary prerequisite for demarcation is Ethiopia's unequivocal acceptance of the Commission's Award and its complete cooperation with the Commission's technical staff". No reply was received from Ethiopia.

5. On 31 May 2007 the Commission wrote to the Parties recalling that six months remained for them to implement the Statement and advising them that at least six months' lead time would be required to enable surveyors and contractors to begin work on the boundary if the Commission were asked to resume its activity. Ethiopia replied by letter on 4 June 2007 indicating that it "has accepted the Commission's delimitation decision of 13 April 2002 without precondition".

6. Encouraged by the replies from the Parties, the Commission decided that it could be constructive to hold a meeting with the Parties to ascertain how, having regard to the various qualifications indicated by each Party, the demarcation process might continue. On 13 June 2007 the Commission wrote to the Parties seeking their views on holding such a meeting. Eritrea, in its reply of 25 June 2007, stated that it was "ready to attend a Commission meeting in a spirit of cooperation". Ethiopia, in its reply of 27 June 2007, stated: "Ethiopia does not believe that the minimum conditions exist for demarcating the border between Ethiopia and Eritrea. However, Ethiopia is prepared, in the hope that such conditions might be created, to attend if you should decide to convene a meeting."

7. The Commission has accordingly decided to hold a meeting with the Parties in September this year, and a letter of invitation to the Parties, together with the

Commission's letter of 13 June 2007 and the Parties' subsequent replies of 25 and 27 June 2007, are attached to this report.

8. Ethiopia continues to default on its obligation to pay its contributions to the Commission's work as required by article 4 (17) of the Algiers Agreement; this refusal was noted in paragraph 5 of the Commission's previous report. In October 2006 the Commission applied to the United Nations Trust Fund for Eritrea and Ethiopia for assistance. In May 2007 the Trust Fund was able to make a contribution which met most, but not all, of the Commission's indebtedness. The expenses of holding the meeting planned for September will once again put the Commission in the red. The Commission wishes to thank once again the donors and Trust Fund administrators for their support in the face of the Commission's financial difficulties. The Commission wishes to reiterate that the fact that it has received such support does not relieve the Parties of their continuing duty to meet the costs of the Commission.

(*Signed*) Sir Elihu **Lauterpacht**
President of the Eritrea-Ethiopia Boundary Commission
9 July 2007

Attachment I

ERITREA ETHIOPIA BOUNDARY COMMISSION

PROFESSOR SIR ELIHU LAUTERPACHT, CBE, QC - PRESIDENT
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Professor Lea Brilmayer
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Mr. B. Donovan Picard
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BY E-MAIL

ER/ETH BC 50,194 13 June 2007

Dear Professor Brilmayer,
Dear Mr. Picard,

RE: ERITREA ETHIOPIA BOUNDARY COMMISSION

The Commission has now received from the Representatives of both Parties letters indicating their respective attitudes towards the resumption of the demarcation process.

In her letter to me of 17 May 2007, the Co-Agent for Eritrea has said "The necessary prerequisite for demarcation is Ethiopia's unequivocal acceptance of the Commission's Award and its complete cooperation with the Commission's technical staff."

In his letter to me of 4 June 2007, the Co-Agent for Ethiopia has repeated Ethiopia's acceptance of the Delimitation Decision "without precondition".

Each of these statements stands out as against the various other disagreements expressed in the respective letters. The statements encourage the Commission to ask whether the Parties share the Commission's view that it would be worthwhile to convene a further meeting with the Parties to ascertain how, having regard to the various qualifications that each Party has included in its letters, the Commission may proceed, with the active cooperation of the Parties, to implement the demarcation process.

I would be glad to hear from you at your earliest convenience.

Yours sincerely,

Professor Sir Elihu Lauterpacht
President
Eritrea Ethiopia Boundary Commission

Attachment II

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ቤት ጽሕፈት ፡ፕሪሲደንት

دولة إرتيريا
المستشار القانوني
لمكتب الرئيس

THE STATE OF ERITREA
LEGAL ADVISOR TO THE
OFFICE OF THE PRESIDENT

President Sir Elihu Lauterpacht
Eritrea Ethiopia Boundary Commission
Permanent Court of Arbitration
The Hague, The Netherlands

25 June 2007

Dear President Lauterpacht:

Thank you for your letter of 13 June 2007 regarding the Boundary Commission's desire to recommence demarcation of the 13 April 2002 delimitation line, and for the Commission's inquiry concerning the Parties' readiness to attend a meeting in support of that objective.

I must note that the Government of Eritrea is not confident that Ethiopia plans to cooperate with demarcation in accordance with the Commission's Delimitation Award. Eritrea's skepticism is based on both Ethiopia's five-year history of noncompliance with the Boundary Commission's orders and its recent public statements indicating that it is not prepared to demarcate the 13 April 2002 boundary. Counsel for Ethiopia's letter to the Commission of 4 June 2007 falls far short of acceptance without preconditions of the boundary recognized on 13 April 2002, as does Ethiopian Foreign Minister Seyoum Mesfin's letter of 8 June 2007 to the President of the United Nations Security Council.

Eritrea is nonetheless ready to attend a Commission meeting in a spirit of cooperation. We fully support the Commission's objective of definitive demarcation on the ground in accordance with the two Algiers Agreements and the Commission's "final and binding" Delimitation Award.

Sincerely yours,

Legal Advisor to the Office of the President of Eritrea
Asmara, Eritrea

Attachment III

HUNTON& WILLIAMS

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June 27, 2007

Professor Sir Elihu Lauterpacht
President Eritrea/Ethiopia Boundary Commission
Permanent Court of Arbitration
Peace Palace Carnegieplein 2
2517 KJ The Hague
Netherlands

Dear President Lauterpacht:

I have transmitted your letter of 13 June 2007 to the Government and would like to convey the Government's observations.

As these communications are being exchanged, the reality on the ground is that the Temporary Security Zone (TSZ) has been completely violated by Eritrea. For all intents and purposes, there is no TSZ to speak of.

One of the cornerstones of the Algiers Agreements is the mandate given to UNMEE by the Agreement on Cessation of Hostilities to monitor the TSZ and to create conducive security conditions for both the demarcation of the boundary and a comprehensive settlement of the conflict between the two countries. Paragraphs 9, 12, 13, 14 of the Agreement on Cessation of Hostilities are particularly pertinent in this regard. Paragraph 12 says in part that in order "to contribute to the reduction of tension and to the establishment of a climate of calm and confidence, as well as to create conditions conducive to a comprehensive and lasting settlement of the conflict through delimitation and demarcation of the border, the Eritrean forces shall remain at a distance of 25 km (artillery range) from positions to which Ethiopian forces shall redeploy in accordance with paragraph 4 of this document. This zone of separation shall be referred to in this document as the "Temporary Security Zone."[1]

Paragraph 14 (C) of the Agreement mandates UNMEE to ensure security within the TSZ by means of "deployment to and continuous monitoring by military units of the peacekeeping mission at posts in key and sensitive positions within the temporary security zone in order to monitor the implementation of the commitments made by both parties in paragraphs 9 and 12..."

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[1] Paragraph 9 reads as follow: "Ethiopia shall submit redeployment plans for its troops from positions taken after 6 February 1999, and which were not under Ethiopian administration before 6 May 1998, to the Peacekeeping Mission. This redeployment shall be completed within two weeks after the deployment of the Peacekeeping Mission and verified by it."

Obviously, UNMEE is today not in a position to do anything in terms of providing security in the TSZ and along the common border, all the more because now Eritrea has in fact began to carry out infiltration inside Ethiopia with the express aim of destabilizing Ethiopia. Inside the TSZ the roles of UNMEE and Eritrean troops have been reversed -- now Eritrean troops are monitoring UNMEE.

Under these circumstances, it is impossible to imagine that one would be able to carry out demarcation. In Ethiopia's view, even the bare minimum security conditions for demarcation are absent both within the TSZ and along the common border where, in the absence of a buffer zone, the two armies are eyeball to eyeball. The infiltration by Eritrean troops inside Ethiopia and the acts of destabilization by Eritrea have exacerbated the security situation. That is precisely why Ethiopia has asked the Security Council to discharge its obligation under paragraph 14 (a) of the Agreement on Cessation of Hostilities by taking measures against Eritrea under Chapter VII of the United Nations Charters for its violation of its commitment under paragraph 12 of that Agreement.

To reiterate, Ethiopia does not believe that the minimum conditions exist for demarcating the border between Ethiopia and Eritrea. However, Ethiopia is prepared, in the hope that such conditions might be created, to attend if you should decide to convene a meeting.

Yours sincerely,

B. Donovan Picard

B. Donovan Picard
Legal Counsel for the
Federal Democratic Republic of Ethiopia

Attachment IV

ERITREA ETHIOPIA BOUNDARY COMMISSION

PROFESSOR SIR ELIHU LAUTERPACHT, CBE, QC - PRESIDENT
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BY E-MAIL

10 July 2007

Dear Professor Brilmayer,
Dear Mr. Picard,

RE: ERITREA ETHIOPIA BOUNDARY COMMISSION

I wish to acknowledge both Eritrea's letter to me of 17 May 2007 declaring that Eritrea "stands ready to resume the demarcation of the 13 April 2002 delimitation line as soon as circumstances permit" and its letter of 25 June 2007 stating that Eritrea is "ready to attend a Commission meeting in a spirit of cooperation", as well as Ethiopia's letter to me of 27 June 2007 declaring that "Ethiopia does not believe that the minimum conditions exist for demarcating the border between Ethiopia and Eritrea. However, Ethiopia is prepared, in the hope that such conditions might be created, to attend if you should decide to convene a meeting."

In view of these responses, the Commission has decided to convene a meeting in New York with the Parties beginning at 10:00 am on 6 September 2007. The meeting will be held at the offices of the Secretary of the Commission.

The purpose of the meeting will be to consider how pillars may be erected along the line set out in the Annex to the Commission's Statement of 27 November 2006 taking into account the need to overcome the problems referred to in paragraphs 10 and 11 of the Commission's Statement of 27 November 2006.

The Commission looks forward to this meeting with the representatives of the Parties. It hopes that they will come with sufficient authority to be able to agree upon the measures necessary to fulfill the purpose of the meeting, in particular that both Parties fully co-operate without conditions with the Commission, and take all necessary action to enable its demarcation teams to perform their functions.

Please confirm at your earliest convenience that your appropriately authorised representatives will attend the meeting.

Yours sincerely,

Professor Sir Elihu Lauterpacht
President
Eritrea Ethiopia Boundary Commission